

House File 295 - Introduced

HOUSE FILE 295

BY DRAKE

A BILL FOR

1 An Act relating to wastewater discharges by on-farm processing
2 operations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 455B.198A Wastewater discharge —
2 on-farm processing.

3 1. As used in this section:

4 *a.* "*Farm*" means the land and structures used in the
5 production of an agricultural animal or crop as defined in
6 section 717A.1.

7 *b.* "*Food commodity*" means any commodity that is derived from
8 a live agricultural animal or harvested crop, both as defined
9 in section 717A.1, which is intended for human consumption in
10 its raw or processed state, and which in its raw state includes
11 but is not limited to milk, eggs, vegetables, fruits, nuts,
12 syrup, and honey.

13 *c.* "*On-farm processing operation*" means any place located
14 on a farm where the form or condition of a food commodity
15 originating from that farm or another farm is changed or
16 packaged for human consumption, including but not limited to a
17 dairy, creamery, winery, distillery, or cannery. The change to
18 the food commodity may include cleaning, cooling, pasteurizing,
19 purifying, or preserving the food commodity.

20 *d.* "*Wastewater disposal system*" means an on-site wastewater
21 treatment and disposal system, including a septic system and
22 soil absorption field, that discharges wastewater on private
23 property.

24 2. A person engaged in an on-farm processing operation who
25 qualifies under this subsection is exempt from the wastewater
26 discharge regulations provided in this chapter, and rules
27 relating to such regulations adopted by the department pursuant
28 to this chapter, for wastewater produced from the on-farm
29 processing operation. In order to qualify, the person must
30 dispose of wastewater as follows:

31 *a.* The person shall not dispose of the wastewater into
32 a stream, lake, pond, river, watercourse, waterway, well,
33 agricultural drainage well, sinkhole, spring, reservoir, or
34 aquifer.

35 *b.* The person shall not discharge the wastewater using land

1 application or a wastewater disposal system if any one-day
2 biochemical oxygen demand contributed by the wastewater exceeds
3 five pounds. In addition, the following applies:

4 (1) The wastewater shall not be land applied on the same
5 spot on more than one occasion within a five-day period.

6 (2) The wastewater shall not be discharged using a
7 wastewater disposal system allowed for a single-family dwelling
8 if the one-day biochemical oxygen demand contributed by the
9 wastewater exceeds one pound. Otherwise, the wastewater
10 disposal system may be used if approved by a professional
11 engineer certifying that the wastewater disposal system meets
12 state effluent quality requirements for a private sewage system
13 as provided in 567 IAC ch. 69. However, in all cases the
14 wastewater disposal system.

15 c. For purposes of this subsection, the biochemical oxygen
16 demand shall be determined in the manner and at the temperature
17 used by the department to determine biochemical oxygen demand
18 for pretreated effluent.

19 3. The department shall adopt by rule guidelines to assist
20 a person who owns or operates an on-farm processing operation
21 in determining if the exemption provided in this section is
22 applicable. The guidelines shall provide, at a minimum, an
23 estimate of the maximum number of gallons of milk or wine that
24 could be processed by a creamery or winery utilizing land
25 application or alternatively a wastewater disposal system.

26 4. A person engaged in an on-farm processing operation who
27 qualifies as a small animal feeding operation as defined in
28 section 459.102 may dispose of wastewater produced by the small
29 animal feeding operation in the same manner as manure, if any
30 one-day demand for the biochemical oxygen demand contributed by
31 the wastewater does not exceed five pounds.

32 5. The department may adopt rules providing additional
33 exemptions from the requirements of this chapter that would
34 otherwise apply to the disposal of wastewater generated by an
35 on-farm processing operation.

1 EXPLANATION

2 This bill provides that an on-farm processing operation
3 may be exempt from state regulations governing wastewater
4 discharge, if the waste produced by the processing operation
5 meets certain standards measuring "biochemical oxygen demand",
6 a chemical procedure which determines the amount of dissolved
7 oxygen in a volume of water required to break down the organic
8 compounds. The exemption provided in the bill would apply to
9 an operation that processes a food commodity produced on that
10 farm or another farm and includes a dairy, creamery, winery,
11 distillery, or cannery. The standards apply to both disposal
12 by land application and on-site wastewater treatment systems
13 including a private septic system. The bill requires the
14 department to adopt guidelines by rule that could be used by
15 creameries and wineries to determine if they qualify for the
16 exemption. If a person is a small animal feeding operation,
17 the person may dispose of the wastewater in the same manner as
18 manure.

19 The bill also authorizes the department of natural resources
20 to adopt rules providing further exemptions applicable to
21 on-farm processing operations.